

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC., <i>Plaintiff,</i> v. MASIMO CORPORATION and SOUND UNITED, LLC, <i>Defendants.</i>	C.A. No. 22-1377-MN-JLH
MASIMO CORPORATION, <i>Counter-Claimant,</i> v. APPLE INC. <i>Counter-Defendant.</i>	
APPLE INC., <i>Plaintiff,</i> v. MASIMO CORPORATION and SOUND UNITED, LLC, <i>Defendants.</i>	C.A. No. 22-1378-MN-JLH
MASIMO CORPORATION and CERCACOR LABORATORIES, INC., <i>Counter-Claimants,</i> v. APPLE INC. <i>Counter-Defendant.</i>	

**MOTION FOR TELECONFERENCE TO RESOLVE
PROTECTIVE ORDER DISPUTE**

Plaintiff Apple Inc. and Defendants Masimo Corporation and Sound United, LLC, and Counter-Claimant Cercacor Laboratories, Inc. (collectively, “Masimo”) respectfully move this

Court to schedule a teleconference to address an outstanding dispute regarding the following protective order matter:

- Whether Masimo is entitled to a protective order preventing disclosure of its Protected Material to Apple's expert Pedro Irazoqui ("Dr. Irazoqui").
- Whether Masimo had good cause to object to Apple's disclosure of Dr. Irazoqui, i.e., an objectively reasonable concern that Dr. Irazoqui would, advertently or inadvertently, use or disclose Discovery Material in a way or ways that are inconsistent with the provisions of the Protective Order.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on the following date: July 3, 2023.

Delaware Counsel:
For Masimo: John C. Phillips, Jr.
For Apple: David E. Moore

Lead Counsel:
For Masimo: Jared Bunker, Kendall Loebbaka
For Apple: Carson Olsheski, Jennifer Milici

The parties are available for a teleconference on the following dates: **July 11, July 12, or July 13, 2023.**

Dated: July 7, 2023

POTTER ANDERSON & CORROON LLP

PHILLIPS MCLAUGHLIN & HALL, P.A.

/s/ Bindu A. Palapura

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
(302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com

Attorneys for Plaintiff

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
1200 North Broom Street
Wilmington, Delaware 19806
(302) 655-4200
jcp@pmhdelaw.com
mch@pmhdelaw.com

Attorneys for Defendants